

Remarks:

Responsive to the Official Action February 28, 2006 and the subsequent telephone interview between Examiner Nordmeyer and Applicant's attorney on April 11, 2006, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-9 and 18-27 in view of the above-noted amendment and the following remarks.

First, Applicant would like to thank Examiner Nordmeyer for her time and consideration during the interview of April 11 during which claim 1 (and the non-tacky nature of the materials of the claimed overmolding) and the De Van patent were discussed.

As to the Action, the Examiner has continued the rejection of claims 1, 2, 4, 18, 19 and 24 under 35 U.S.C. 103(a) as unpatentable over newly cited De Van et al, U.S. Patent No. 3,696,969, in view of Brown, and has continued the rejection of claims 3, 5-9, 20-23 and 25-27 under 35 U.S.C. 103(a) as unpatentable over De Van in view of Brown, and further in view of Knox, III,

As discussed with Examiner Nordmeyer, the present invention, as claimed in the amended claims is directed to an over-molded fitment that is configured for mounting and sealing to a flexible packaging material. The fitment includes a flange having first and second sides and a spout extending upwardly from the first side of the flange. A non-tacky molded sealing media is molded over and onto the first side of the flange.

The flange and spout are integral with one another and formed from a single first material. The sealing media is formed from a second material that is different from the first material and has a density that is less than a density of the first material. The sealing media is configured for disposition between the first side of the flange and the flexible packaging material when the fitment is mounted and sealed to the flexible packaging material. The sealing media is heat activated to effectively weld the fitment to the flexible packaging material.

The claimed invention, as amended is not disclosed in the De Van, Brown and Knox, III patents individually or in any combination.


As discussed with Examiner Nordmeyer one of the advantages of the present invention is that the overmolded media is non-tacky. Unlike the fitments of De Van which are applied with an adhesive, the fitments of the presently claimed invention will not "stick" to one another when, for example, the

fitments are loaded into the hopper of a fitment (closure) storage and application machine. Thus, the non-tacky nature of the present invention (as compared to the adhesive disclosed in the De Van patent) is clearly an advance over known fitment or closer packages. Likewise, none of the remaining references of record disclose this non-tacky overmolded sealing media.

In an effort to move prosecution of the present application along, Applicant has cancelled withdrawn claims 10-17. Accordingly, Applicant submits that claims 1-9 and 18-27 are allowable over the art of record and respectfully and earnestly solicits early indication of same.

Applicant believes that there is no fee due in connection with the present AMENDMENT D. If however a fee is due in connection with this AMENDMENT D AFTER FINAL, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2035. Should there be any questions or concerns in connection with the present submittal, it is respectfully requested that the undersigned be contacted.

Respectfully submitted,

By   
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Mitchell J. Weinstein  
Reg. No. 37,963

Dated: April 18, 2006  
**LEVENFELD PEARLSTEIN, LLC**  
2 N. LaSalle Street  
Suite 1300  
Chicago, IL 60602  
(312) 476-7593 Telephone  
(312) 346-8434 Facsimile